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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/840,141	05/06/2004	Yukio Iizuka	0388-044074	7393
7590	12/15/2005		EXAMINER	
Russell D. Orkin 700 Koppers Building, 436 Seventh Avenue Pittsburgh, PA 15219-1818			BRAHAN, THOMAS J	
			ART UNIT	PAPER NUMBER
			3654	
DATE MAILED: 12/15/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/840,141	IIZUKA, YUKIO	
	Examiner	Art Unit	
	Thomas J. Braham	3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-16 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on ____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. ____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>5/13/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: ____.

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1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Appropriate correction is required. The specification fails to include the terminology for the arm with the roller, recited in claims 8, 14 and 15, each at line 11 and at line 13.
2. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the rotor that abuts the article of claim 1 must be shown, or the feature must be canceled from the claims. No new matter may be entered.
3. If corrected drawing sheets are submitted to overcome the above objection, they must be in compliance with 37 CFR 1.121(d). An amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d).
4. If the changes are not accepted by the examiner, for example because they introduce new matter, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.
5. The following is a quotation of the first paragraph of 35 U.S.C. § 112:
The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
6. Claims 1-7 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claims contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no inclusion in the Detailed Description of the Invention portion of the disclosure of a rotor which abuts against the article, as recited in claim 1. It is only briefly discussed in the Summary of the Invention. The detailed description has a roller, not a rotor, i.e. the rotor of the electromechanical brake, as the element which abuts the article.

7. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.

8. Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For example:

a. In claim 1, it is unclear as to how the applicant is considering the device as having a rotor abutting the article.

b. In claim 8, it is unclear as to whether the arm of line 11 is one of the plurality of arms of included in line 7, or if this is a different arm. The same term should not be used within a claim to include different elements. Line 13 of claim 8 and claims 10 and 11 also refer to "the arm" without indicating which arm is "the arm".

c. In claim 14, it is unclear as to whether the arm of line 11 is one of the plurality of arms of included in line 7, or if this is a different arm. Line 13 of claim 14 also refers to "the arm".

d. Claim 15 also includes a plurality of arms of included in line 8, and uses the same term "arm" for another element, in line 11. Line 13 of claim 15 also refers to "the arm".

9. Claims 1-7 have not been treated further on the merits with rejections based upon prior art. This is not an indication of allowable subject matter.

10. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 8, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Sawyer. Brown shows a transport apparatus comprising:

a holding unit (20) supported by an ascending/descending actuator mechanism of a crane, and capable of moving the article up to a transporting position, and having a plurality of arms (11-14) for holding the article;

a fall prevention member (jaw 42) supported on the crane and capable of moving between a position extending below a bottom of the article (51) and a position retreated from below the bottom of article, when the article is in the transporting position;

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an arm (12) capable of pivoting about a first shaft (18) fastened to the fall prevention member (42; indirectly); and

a roller rotatable (roller 49 on the jaw 43) about a second shaft (40) provided on a free end of the arm (12);

wherein the roller abuts on the article when the fall prevention member is in the position extending below the bottom of the article.

Brown varies from the claims by not specifying that the cradle is mounted to a rail vehicle and that the rail vehicle carries the motor that raises and lowers the cradle. Sawyer shows a crane mechanism which raises its gripping cradle with wires (M, N) using a motor (E) mounted on a rail vehicle (B). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to use the material handling cradle of Brown by suspending it from a rail vehicle, for mobility, and with plural wires, to turn the load during lifting, as taught by Sawyer.

12. Claim 13, as best understood, is rejected under 35 U.S.C. § 103(a) as being unpatentable over Brown in view of Sawyer, as applied above to claim 8, and further in view of Straight. Brown, as modified, shows the basic claimed transport apparatus, but varies from claim 13 by not having a motor with a vertical shaft mounted on cradle. Straight shows a similar crane mechanism with a motor (42). It would have been obvious to one of ordinary skill in the art at the time the invention was made by applicant to provide the material handling cradle of Brown with a motor, to stabilize the loads, as taught by Straight.

13. Claims 9-12 would be allowable if rewritten to overcome the above rejections under 35 U.S.C. 112, 2nd paragraph and rewritten to include all of the limitations of base claim 8 and any intervening claims. Claims 14-16 would be allowable if rewritten to overcome the rejections under 35 U.S.C. 112, 2nd paragraph.

14. An inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Braham whose telephone number is (571) 272-6921. The examiner's supervisor, Ms. Katherine Matecki, can be reached at (571) 272-6951. The new fax number for all patent applications is (571) 273-8300.

15. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair>

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direct.uspto.gov. Questions regarding access to the Private PAIR system, should be directed to the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Thomas J. Brahan
Primary Examiner
Art Unit 36544